

1
2
3 **WAGANAKISING ODAWAK STATUTE**
4 **TRIBAL BURIAL GROUNDS**
5
6

7 **SECTION I. PURPOSE**
8

9 The purpose of this Statute is to establish the law that governs lands set aside for Tribal Burials,
10 the sale of burial plots, burial eligibility and the maintenance of the grounds.
11
12

13 **SECTION II. INTENTION**
14

15 A. The Tribal Burial Grounds are intended for natural and traditional burials.
16
17

18 **SECTION III. DEFINITIONS**
19

20 A. “*Burial Ground*” means the land set aside for the specific purpose of earth internments;
21

22 B. “*Burial Right*” means a right of earth interment.
23

24 C. “*Interment*” means the permanent disposition of the remains of a deceased person by
25 inurnment, entombment or burial.
26

27 D. “*LTBB*” means Little Traverse Bay Bands of Odawa Indians
28

29 E. “*NAGRPA*” means Native American Graves Repatriation and Protection
30

31 F. “*Plot*” means a space of sufficient size to accommodate an interment.
32

33 G. “*Spirit House*” means a spiritual home for the deceased, with open ends placed on top of
34 a grave that is allowed to deteriorate and disintegrate.
35

36 H. “*Tribe*” means the Little Traverse Bay Bands of Odawa Indians.
37

- 1 I. “Vault” means a lined and sealed unit, generally made of cement, for placement of a
2 casket to prevent the concave of earth after a period of time.
3
4

5 **SECTION IV. TRIBAL BURIAL GROUNDS**
6

7 The Tribal Burial Ground shall include lands that are held in trust for LTBB and under
8 jurisdiction of LTBB. The Tribal Council shall approve designate lands as a Tribal Burial
9 Grounds.
10

- 11 A. It shall be illegal for any individual to remove funerary objects, remains, burial markers
12 or personal mementos from grave sites.
13
14 B. When applicable, human remains that have been repatriated, either through NAGRPA or
15 person surrender to LTBB or a group that includes LTBB, shall be reburied in the
16 designated burial grounds. Reburial shall extend to funerary objects associated with
17 LTBB or any other applicable items.
18
19 C. Remains and funerary objects that have been inadvertently discovered within LTBB
20 aboriginal territory are reburied in the Tribal burial grounds.
21
22 D. LTBB Citizens shall have the right to perform activities and ceremonies to honor their
23 dead at Tribal burial grounds.
24
25

26 **SECTION V. BURIALS**
27

- 28 A. No burial may take place until a Death Certificate has been issued.
29
30 B. Burial Containers
31 1. Neither a vault nor container is required for a Tribal burial or crematory interment.
32
33

34 **SECTION VI. GRAVE MARKERS**
35

- 36 A. Raised markers, including Spirit Houses may be used if made of natural deteriorating
37 items such as wood or other natural materials.

1
2 1. Permanent non-raised items may be used such as stone or granite markers.

3
4 2. Markers may be represented by small plants or shrubs of non-invasive flora as well
5 as crosses.

6
7
8 **SECTION VII. BURIAL RECORDS**

9
10 A. A record shall be kept of all interments of which shall include:

- 11
12 1. Name of Deceased.
13 2. Copy of Death Certificate.
14 3. Name of Funeral Curator, if any.
15 4. Burial permit.
16 5. Place of interment.

17
18
19 **SECTION VIII. MAP AND SALE OF PLOTS**

20
21 A plat map of the property shall indicate the property boundaries and size of lot to be used
22 exclusively for Tribal burials.

23
24 A. Tribal Council shall the set a standard price for burial plots.

25
26
27 **SECTION IX. SECTION V: REGULATIONS**

28
29 The Executive shall develop Regulations as necessary for the implementation of this Statute and
30 shall forward such Regulations to the Tribal Council for approval.

31
32 A. Regulations shall establish the management of the Tribal Burial Ground to include the
33 following areas:

- 34
35 1. The re-conveyance of a plot from an individual to another;
36
37 2. The selling back of a burial plot to the Tribe;

3. The protection of the burial ground;
4. The use of burial ground property;
5. The placement, uniformity, and kind of markers, and other structures;
6. The interment of remains and other applicable items.

SECTION X. SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

SECTION XI. EFFECTIVE DATE

Effective upon signature of the Executive or shall be deemed enacted if not expressly vetoed by the Executive within thirty (30) days of submission. The Tribal Council may, by an affirmative vote of seven (7) members of the Tribal Council, override a veto by the Executive.

CERTIFICATION